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Remarks/Arguments

Favorable reconsideration is respectively requested in view of the above amendments and the following discussion.

The present invention is directed to a hub post for mounting an information-bearing disk to a substrate for presentation, storage or transportation of the disk, the hub post being provided with a structure which is much more simple in construction, more economical to manufacture, easier to use, and more effective in overall performance than prior hub posts previously furnished for similar uses. In particular, the improved hub posts resist deleterious compression and crushing to provide better securement of an information-bearing disk on a hub post and greater protection to the information-bearing disk mounted upon a hub post against detachment, damage and consequent corruption of data during storage or transportation of a disk. These advantages of the present hub post are attained by a construction which includes a post having a substantially continuous, unbroken gripping surface with lateral dimensions relative to counterpart lateral dimensions of a mounting hole in the disk for enabling selective gripping of the disk upon insertion of the post into the mounting hole, and for selective release of the post from the mounting hole, the post being constructed of a substantially solid stiffly resilient synthetic

polymeric material having a durometer providing a balance of resilient characteristics and renitent characteristics for establishing such selective gripping and selective release and for resisting deleterious compression and crushing while retaining the disk upon the post. All of the claims set forth the aforesaid specific construction of the post of the present invention. The prior art is devoid of any suggestion of a post constructed of a material having a durometer which provides such a balance of resilient characteristics and renitent characteristics.

All of the claims have been rejected as being either anticipated by Tillett et al. or Fliegel, or as being unpatentable over either one of Tillett et al. or Fliegel in view of one or more of Attar et al., Joyce et al., Condorotis, and Cerda-Vilaplana et al. It is respectfully submitted that the references, either singly or in any tenable combination, do not anticipate or suggest the subject matter of the present claims and it is respectfully requested that the rejections be withdrawn.

Tillett et al. discloses a holder formed of an **easily but resiliently compressible material**, an example being a product identified as Twin-Stick 210 from Duraco Inc. That product is a foam tape provided for adhering together various surfaces. The

material is resilient primarily for filling gaps between irregular surfaces to be joined. The product is **easily** compressible so as to provide the compliance necessary to accomplish that objective. As such, the material allows ready compression and is easily crushed. The ease with which the material can be compressed and crushed allows ready selective release of a disk from a disk holder constructed of the material; however, by the same token, the ease of compression and crushing affords essentially no protection against inadvertent release during storage and transportation, and concomitant risk of damage to the information-bearing surface of a disk. In contradistinction, the material of the present invention has a durometer which renders the material more renitent than foam materials and highly resistant to deleterious compression and crushing, thereby providing protection against dislodging and damaging of a disk during transport and storage. The reference is entirely silent with respect to any durometer, let alone a durometer which resists compression and crushing. On the contrary, the reference discloses a material which is compressed readily, and is easily crushed. To state that the durometer set forth in the present claims "may be inherently met" by the reference is to ignore the true teachings of the reference. Moreover, the statement amounts to speculation and cannot be the basis upon which

anticipation is found in the reference. Accordingly, the reference cannot anticipate the subject matter of the present claims and the rejection based upon Tillett et al. should be withdrawn.

Fliegel discloses a button disk constructed of "moss rubber, which is relatively soft". In fact, moss rubber is a soft, highly compliant rubber and is used where a yielding, easily compressed material is desired, such as in the manufacture of squeegees. The reference specifically calls for such a yielding material. Further, the reference relies upon structural features to supplement the yielding nature of the button disk in securing a disk in place. In contradistinction, the present invention relies upon the balance of resilience and renitence provided by the durometer of the material of the hub post to accept and secure a disk in place. Moreover, the renitent nature of the material resists deleterious compression and crushing and consequently resists inadvertent release of a mounted disk, and concomitant damage to the information-bearing surface of the disk. The reference is directed only to a soft moss rubber material or the like which facilitates selective release of a disk, and is silent with respect to any durometer which can resist deleterious compression and crushing. Again, the statement that the durometer set forth in the present claims "may be inherently met" by the

reference ignores the true teaching found in the reference. The statement amounts to speculation and cannot be the basis upon which anticipation is found in the reference. Accordingly, the reference cannot anticipate the subject matter of the present claims and the rejection based upon Fliegel should be withdrawn.

Attar et al. illustrates a protrusion, referred to as a "heart", for entering the aperture of a CD. The portion of the heart which engages the aperture of the CD is modified to provide teeth, bumps or vertical ridges for gripping or otherwise retaining the CD on the heart. Thus, the surface of the heart relies upon these discontinuous modifications to provide resiliency which retains the CD. While one of the materials identified in the reference is polyurethane, that material is specified for teeth 79 formed on a hub 81 and requires that the material be "sufficiently soft so as to allow some flexure of the teeth 79." The proposed substitution of the material specified by Attar et al. for the material identified in Tillett et al. or Fliegel could suggest the addition of teeth, bumps or ridges, but the basic nature of the material would remain unchanged, that is, highly compliant to facilitate selective mounting and release of a CD. In contradistinction, the subject matter of the present claims includes a substantially solid post with a substantially

continuous, unbroken gripping surface which relies upon a material having a durometer that provides a balance of resilience and renitence to accomplish not only gripping and retention of a disk, but resistance to deleterious compression and crushing for protection against inadvertent release of a disk, and concomitant damage during transportation and storage. The present hub post does not rely upon fingers, teeth, bumps, ridges or any similar modification of the gripping surface. Moreover, the references are silent with respect to the durometer set forth in all of the claims and, more specifically, in claims 5 and 16, and suggest materials only of substantially lesser durometer. Hence, the gripping and retention mechanism of the present invention is entirely different from the gripping and retention mechanisms disclosed in Tillett et al., Fliegel or Attar et al. or in any tenable combination suggested in these references. Accordingly, the proposed combination of Attar et al. with Tillett et al. or Fliegel cannot render obvious the subject matter of the present claims and the rejection based upon the proposed combination of references should be withdrawn.

Joyce et al. discloses the use of a polystyrene having mechanical characteristics which differ considerably from the material specified in the present claims and adds nothing by way of

rendering obvious the subject matter of the present claims. While it may be well-known to utilize transparent materials in connection with the construction of CD containers, the material specified by Joyce et al. is characterized as being "relatively brittle" and the reference suggests nothing which can be combined with Tillett et al. or Fliegel and Attar et al. to render obvious the combination of elements of the present claims.

Condorotis discloses a post 26 which extends from a center plate 24 and terminates in a ramped face 27. While the ramped face does make an angle with the post, the post itself projects perpendicular to the plate and is not canted relative to the plate. Moreover, the angle between the ramped face and the perpendicular direction is relatively steep. Present claims 11 and 12 set forth a construction in which the hub post itself is canted at a small angle from an axis extending substantially normal to the substrate upon which the hub post is to be affixed. Accordingly, Condorotis discloses nothing of relevance toward anticipation or rendering obvious the subject matter of claims 11 and 12, which subject matter includes a post canted at a small angle to an axis substantially perpendicular to the substrate upon which the hub post of the invention is to be affixed, and the rejection based upon Condorotis should be withdrawn.

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Cerda-Vilaplana et al. retains a disk with a plurality of circumferentially spaced apart flexible stems 3 which grasp the disk along the edge of a center hole in the disk. A polygonal button is located radially inside the circle of stems and serves as an actuator for releasing the disk. Thus, upon depression of the polygonal button, the stems are biased radially inwardly, out of contact with the disk, and the disk is released. The reference discloses no polyhedral post which engages a disk to be retained on the post and cannot serve as a basis for rendering obvious the subject matter of present claims 19 and 21, which subject matter includes a polyhedral retention post. Accordingly, the reference has no relevance to the subject matter of these claims and the rejection based upon Cerda-Vilaplana et al. should be withdrawn.

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It is respectfully submitted that all of the claims in the application as amended above are allowable and render the application in condition for immediate allowance. Accordingly, it is respectfully requested that the claims be allowed and the application be passed to issue.

Respectfully submitted,

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March 29, 2005
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ARTHUR JACOB
NAME OF REGISTERED REPRESENTATIVE

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